

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

**IN RE: JOHNSON & JOHNSON
TALCUM POWDER PRODUCTS
MARKETING, SALES
PRACTICES, AND PRODUCTS
LIABILITY LITIGATION**

***THIS DOCUMENT RELATES TO
THE FOLLOWING CASES:***

***Bondurant v. Johnson & Johnson,
No. 3:19-cv-14366***

***Converse v. Johnson & Johnson,
No. 3:18-cv-17586***

***Gallardo v. Johnson & Johnson,
No. 3:18-cv-10840***

***Judkins v. Johnson & Johnson,
No. 3:19-cv-12430***

***Newsome v. Johnson & Johnson,
No. 3:18-cv-17146***

***Rausa v. Johnson & Johnson,
No. 3:20-cv-02947***

MDL No. 16-2738 (MAS) (RLS)

**DECLARATION OF MICHELLE PARFITT IN SUPPORT OF
PLAINTIFF STEERING COMMITTEE'S MEMORANDUM OF POINTS
AND AUTHORITIES IN OPPOSITION TO MOTION FOR SUMMARY
JUDGMENT AND STATEMENTS OF MATERIAL FACTS**

I, Michelle Parfitt, declare as follows:

I am an attorney and partner with Ashcraft & Gerel Law Firm. I am co-lead counsel of the Plaintiff Steering Committee in the above-captioned matter. The facts stated in this Declaration are of my own personal knowledge. I submit this Declaration in Support of Plaintiff Steering Committee's Memorandum of Points and Authorities in Opposition to Motion for Summary Judgment and Statement of Contested Material Facts. Attached hereto are true and correct copies of the following Exhibits:

1. Third Amd. Rule 26 Expert Rep. of Judith Wolf, MD ("Wolf Rep.")
2. FDA Authority Over Cosmetics – How Cosmetics Are Not FDA-Approved, but Are FDA-Regulated, available at <https://www.fda.gov/cosmetics/cosmetics-laws-regulations/fda-authority-over-cosmetics-how-cosmetics-are-not-fda-approved-are-fda-regulated> (last visited Sep. 22, 2024).
3. Fourth Amd. Expert Rep. of David A. Kessler, M.D. ("Kessler Rep.")
4. Rausa Short Form Complaint (Mar. 17, 2020)
5. Third Amd. Expert Rep. of Anne McTiernan, M.D., Ph.D. ("McTiernan Rep.")
6. O'Brien, et al., *Association of Powder Use in the Genital Area with Risk of Ovarian Cancer*, 323 JAMA 50 (2020)
7. O'Brien, et al., *Intimate Care Products and Incidence of Hormone-Related Cancers: A Quantitative Bias Analysis*, J Clin Oncol 00:1-15 (2024)
8. Woolen, et al., *Association Between the Frequent Use of Perineal Talcum Powder Products and Ovarian Cancer: A Systematic review and Meta-Analysis*, 37 J. Gen. Intern. Med. 2526 (2022)

9. Chang et al., *Use of personal care product mixtures and incident hormone-sensitive cancers in the Sister Study: A U.S.-wide prospective cohort*, Environment Int'l 183 (2024)
10. Health Canada, Screening Assessment (April 2021)
11. Stayner et al., *Carcinogenicity of Talc and Acrylonitrile*, The Lancet (July 5, 2024)
12. IARC Monographs Evaluate the Carcinogenicity of Talc and Acrylonitrile: Questions and Answers (July 5, 2024)
13. NIH/NIEHS Environmental Factor, *Genital talc use may be linked to increase risk of ovarian cancer* (June 2024)
14. Phung M et al., *Effects of risk factors for ovarian cancer in women with and without endometriosis*, 118 Fertility and Sterility 960 (Nov. 2022)
15. Terry et al., *Genital Powder Use and Risk of Ovarian Cancer: A Pooled Analysis of 8,525 Cases and 9,859 Controls*, 6(8) Cancer Prev. Res. 811 (2013)
16. Fidalgo, *Talc is classified as “probably carcinogenic to humans” by the IARC*, Science Media Center Spain (May 7, 2024)
17. Huncharek & Muscat, *Perineal talc use and ovarian cancer risk: a case study of scientific standards in environmental epidemiology*, 20 Eur. J. Cancer Prevention 501, 505 (2011)
18. FDA, *Johnson's Baby Powder voluntarily recalled after testing positive for asbestos* (Oct. 18, 2019)
19. IWGACP, *Preliminary Recommendations on Testing Methods for Asbestos in Talc and Consumer Products Containing Talc* (Jan. 6, 2020)
20. *Appendices to White Paper: IWGACP Scientific Opinion on Testing Methods for Asbestos in Cosmetic Products Containing Talc* (Dec. 2021)
21. Wentzensen & O'Brien, *Talc, Body Powder, and Ovarian Cancer: A Summary Of the Epidemiologic Evidence*, 163 Gynecol. Oncol. 199 (2021)
22. Third Amd. Rule 26 Expert Rep. of Daniel L. Clarke-Pearson, MD (“Clarke-Pearson Rep.”)

23. ASCO Press Release, *Study Finds Association Between Genital Talc Use and Increased Risk of Ovarian Cancer* (May 15, 2024)
24. Ogunsina, et al., *Association of genital talc and douche use in early adolescence or adulthood with uterine fibroid diagnoses*, 229 Am. J. Obst. & Gyn. 665 (Dec. 2023)
25. Second Amd. Rule 26 Expert Rep. of Judith Wolf, MD – Bondurant (“Wolf’s Bondurant Rep.”)
26. Second Amd. Rule 26 Expert Rep. of Daniel L. Clarke-Pearson, MD – Converse (“Clarke-Pearson’s Converse Rep.”)
27. Second Am. Rep. of Judith Wolf, M.D. – Gallardo (“Wolf’s Gallardo Rep.”)
28. Second Amd. Rule 26 Expert Rep. of Daniel L. Clarke-Pearson, MD – Newsome (“Clarke-Pearson’s Newsome Rep.”)
29. Dep. of Clarke-Pearson, Aug. 27, 2021
30. Second Amd. Expert Rep. of Dr. Daniel Clarke-Pearson, MD – Rausa (“Clarke-Pearson’s Rausa Rep.”)
31. William E. Longo, Jr., Expert Rep., MDL - Johnson’s Baby Powder Application and Exposure Container Calculations for Six Ovarian Cancer Victims Bellwether Cases.
32. George E. Newman, Ph.D., Expert Rep., ¶¶12, 20 November 15, 2023 (“Newman Rep.”).
33. Dep. of Hilary Converse
34. Dep. of Anna Gallardo
35. Dep. of Carter Judkins
36. Dep. of Pasqualina Rausa
37. Dep. of Tamara Newsome
38. JNJ 000877320_0007
39. JNJ 000011777-000011836
40. J&J Memo from D. R. Pettersen to D. D. Johnson (Apr. 26, 1973)

41. Hopkins Dep. (J&J Corporate Representative) (chart of samples with asbestos)
42. Cralley et al., *Fibrous and Mineral Content of Cosmetic Talcum Products*, 29 Am. Industrial Hygiene Assoc. J. 350, 354 (1968).
43. Rohl A, et al., *Consumer talcums and powders: mineral and chemical characterization*, 2 J. Tox. Environ. Health 255-284 (1976)
44. Paoletti, et al., *Evaluation by Electron Microscopy Techniques of Asbestos Contamination in Industrial, Cosmetic, and Pharmaceutical Tals*, Reg. Tox. and Pharm. 4, 222-235 (1984)
45. Blount, A M., *Amphibole Content of Cosmetic and Pharmaceutical Tals*, 94 Env'l. Health Perspectives 225 (August 1991)
46. Dep. of Alice Blount (April 13, 2018)
47. MAS Project M71722, Talcum Powder Analysis, Tamara Newsome – Johnson's Baby Powder Containers
48. Oct. 27, 1982 Minutes, Meeting to Address the Issue of Talc and Ovarian Cancer (JNJ 000001403)
49. July 21, 1993 Draft TIPTF Minutes (JNJ 000011704)
50. May 24, 1994 Guarantee to Support Talc Interested Party Task Force Activities (JNJ 000240311)
51. June 9, 1992 CTFA Response Statement (PCPC_MDL00031784)
52. July 8, 1992 CTFA Response Statement, Safety of Talc NTP Report (PCPC_MDL00031782)
53. JNJ000021035
54. JNJ 000016508-JNJ 000016510
55. Nov. 17, 1994 CTFA Response Statement, Talc (PCPC_MDL00030246)
56. Oct. 10, 2000 Internal Luzenac/Imerys Memorandum “re Action Plan Recommendations for Final Phase of NTP Talc Review Process” (LUZ013053-LUZ013055)
57. LUZ021921-LUZ021929

58. LUZ001298-LUZ001303
59. LUZ022044-LUZ022050
60. P-1762 (JNJ000369269- JNJ000369270)
61. LUZ001443-LUZ001444
62. LUZ013093-LUZ013094
63. IMERYS-A_0022689-IMERYS-A_022690
64. Dep. of Bernard Harlow
65. JNJ000010808-JNJ000010812
66. JNJ000040596-JNJ000040597
67. LUZ011964-LUZ0011965
68. *Fox Order* (Jan. 26, 2016)
69. *McNeil George v Brenntag, NA, et al.*, Doc. No. MID0L-7-49-16-AS (N.J. Super. Ct. June 21, 2018) (Viscomi, J.)
70. *Barden v. Johnson & Johnson*, Doc. No. L-001809-17 (N.J. Super. Ct. Feb. 6, 2020) (jury verdict form)
71. *Lanzo v. Johnson & Johnson*, Doc. No. L-7365-16 (N.J. per. Ct. Apr. 23, 2018) (jury verdict form)
72. Nov. 10, 1994 Letter from S. Epstein to R. Larson (JNJ 000016645)
73. Cramer D, et al., *Genital Talc Exposure and Risk of Ovarian Cancer*, 81 Int'l J. Cancer 351, 356 (1999)
74. Mills, et al., *Perineal Talc Exposure and Epithelial Ovarian Cancer Risk in the Central Valley of California*, 112 Int'l J. Cancer 458 (2004).
75. *Sugarman v. Johnson & Johnson*, Case No: 2019-017627-CA-01, Trial Tr. (11th Jud. Cir. Fla. Mar. 1, 2024)
76. Hilary Converse's Original Complaint
77. Anna Gallardo's Original Complaint
78. Dep. of Jamie Bianca Miller

79. Dep. of Clarke-Pearson, M.D., Aug. 26, 2021
80. CONVERSE_HILARY_DRPETERSCHWARTZ_00078-79
81. Dep. of Judith Wolf, M.D., Sept. 14, 2021
82. Newsome Plaintiff Profile Form
83. NewsomeT-HCHMR-00011
84. NEWSOMET_PWHS_MDR000001-03
85. Cancer Facts & Figures (2024)

I certify under penalty of perjury that the foregoing is true and correct.

Dated: September 23, 2024

Respectfully submitted,

s/ Michelle A. Parfitt